

# **EXHIBIT 4**

## **PUBLIC REDACTED VERSION**

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Page 1

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

-----x  
IN RE GOOGLE PLAY STORE Case No.  
ANTITRUST LITIGATION 3:21-md-02981-JD

THIS DOCUMENT RELATES TO:  
Epic Games Inc. v. Google LLC et al.,  
Case No. 3:20-cv-05671-JD

In re Google Play Consumer Antitrust  
Litigation, Case No. 3:20-cv-05761-JD

In re Google Play Developer Antitrust  
Litigation, Case No. 3:20-cv-05792-JD

State of Utah et al. v. Google LLC et al.,  
Case No. 3:21-cv-05227-JD

Match Group, LLC et al. v. Google LLC et al.,  
Case No. 3:22-cv-02746-JD

-----x  
\*\* HIGHLY CONFIDENTIAL - UNDER PROTECTIVE ORDER \*\*

REMOTE VIDEOTAPED DEPOSITION OF  
KIRSTEN RASANEN  
Wednesday, August 17, 2022

REPORTED BY:  
RENEE HARRIS, CA CSR 14168, NJ CCR, RPR

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-----x  
\*\* HIGHLY CONFIDENTIAL - UNDER PROTECTIVE ORDER \*\*

Remote Videotaped Deposition of KIRSTEN  
RASANEN, appearing from San Francisco, California,  
at 9:05 a.m. PDT, on Wednesday, August 17, 2022,  
before Renee Harris, California Certified  
Shorthand Reporter No. 14168, New Jersey Certified  
Court Reporter No. 30XI00241200, and Registered  
Professional Reporter.

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10 Also Present:

11 Sean Grant, Videographer

12 Chinyere Woods, Technician

13 Brian Smith, ESQ., Apple

14

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17

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1 Wednesday, August 17, 2022

2 9:05 a.m.

3  
4 THE VIDEOGRAPHER: Good morning. We are  
5 on the record. The time is 9:05 a.m. and the  
6 date is August 17th, 2022.

7 Please note that this deposition is being  
8 conducted virtually. Quality of recording  
9 depends on the quality of camera and Internet  
10 connection.

11 What is seen for the witness and what is  
12 heard on screen is what will be recorded.  
13 Audio and video recording will take place  
14 unless all parties agree to go off the  
15 record.

16 This begins Volume I, Media Unit 1 of the  
17 video-recorded deposition of Kirsten Rasanen.  
18 This deposition is being taken by counsel for  
19 Plaintiffs in the matter in re: Google Play  
20 Store Anti-Trust Litigation filed in United  
21 States District Court, Northern District of  
22 California, San Francisco Division, Case No.  
23 3:21-md-02981-JD and is being conducted  
24 remotely using virtual technology.

25 My name is Sean Grant representing

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1 Veritext; I am the videographer, and the  
2 court reporter is Renée Harris also from  
3 Veritext.

4 I am not related to any party in this  
5 action, nor am I financially interested in  
6 the outcome.

7 If there are any objections to  
8 proceeding, please state them at the time of  
9 your appearance.

10 Counsel and all present including  
11 remotely will now state their appearance and  
12 affiliations for the record beginning with  
13 the noticing attorney, Mr. Walchak.

14 MR. WALCHAK: My name is David Walchak,  
15 I'm with the law firm Korein Tillery, and I'm  
16 representing Consumer Plaintiffs today.

17 THE VIDEOGRAPHER: Mr. Reiter?

18 MR. REITER: Good morning. This is  
19 Joseph Reiter for the Match Plaintiffs.

20 THE VIDEOGRAPHER: Mr. Diessel?

21 MR. DIESSEL: Ben Diessel on behalf of  
22 Epic and with me is my colleague, Zeynep  
23 Aydogan.

24 THE VIDEOGRAPHER: Mr. Khan?

25 MR. KHAN: My name is Bahadur Khan,



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1 counsel for the State of Utah here today on  
2 behalf of 39 Attorney Generals.

3 THE VIDEOGRAPHER: Mr. Kravis?

4 MR. KRAVIS: Good morning, Jonathan  
5 Kravis from Munger Tolles & Olson for Google  
6 and the witness, and with me is Jamie Luguri,  
7 also from MTO, and Brian Smith from Google.

8 THE VIDEOGRAPHER: Thank you. Will the  
9 Certified Court Reporter please swear in the  
10 witness.

11  
12 KIRSTEN RASANEN,  
13 called as a witness and having been first duly  
14 sworn by the Certified Shorthand Reporter, was  
15 examined and testified as follows:

16  
17 EXAMINATION

18  
19 BY MR. WALCHAK:

20 Q. Ms. Rasanen, you just heard just a moment  
21 ago but my name is David Walchak. I'm with the  
22 Consumer Plaintiffs. I am representing Consumer  
23 Plaintiffs today with the law firm Korein Tillery,  
24 and I'm going to begin asking you questions before  
25 the other Plaintiffs' group take turns after me.

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1 of them. We talked about advantages of Google  
2 Play Billing, the features of Google Play Billing,  
3 the -- the rationale for us wanting them to use  
4 Google Play Billing. We discussed what they would  
5 like to see added to Google Play Billing. There  
6 were a lot of varying conversations across the --  
7 the apps themselves.

8 Q. What was the rationale for Google wanting  
9 those Match Plaintiffs to use Google Play Billing?

10 A. We wanted to ensure that all developers  
11 were in compliance with our policies, and in our  
12 view, the Match apps, the ones that were not using  
13 Google Play Billing were not in compliance with  
14 our policies, and so it was important to us to  
15 make sure that, you know, all apps complied with  
16 policy so we were pushing -- we were asking them  
17 to please comply.

18 Q. And which apps in particular are you  
19 referring to that were not in compliance with  
20 Google's policy?

21 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

25 Q. And when you had those discussions, did

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1           Were you involved in considering whether  
2 Google would change that exception or remove it  
3 from the payments policy?

4           A. Yes, I was involved in conversations  
5 about that.

6           Q. Okay. And what is your understanding as  
7 to why Google had that exception in its payment  
8 policy at that time?

9           A. My understanding at the time, and today,  
10 based on looking at the words there, is that  
11 this -- this was implemented specifically sort of  
12 in the early days of -- of apps, and specifically  
13 designed to allow apps to sell content that could  
14 be used in different applications. Again, songs  
15 downloaded as is mentioned there.

16           And -- and so that was the use case that  
17 was intended when it was written. That's my  
18 understanding and recollection.

19           Q. Why would Google not require use of  
20 Google Play Billing for the purchase of content  
21 that could be used in different applications?

22           MR. KRAVIS: Object to form.

23           THE WITNESS: You know, I don't remember  
24 the specific rationale as to -- as to why.

25           It's not coming back to me, I'm sorry.

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1 BY MR. REITER:

2 Q. What did you mean when you said  
3 "different applications"?

4 A. Like an MP3 that could be downloaded  
5 from, you know, a music service, and then played  
6 in another music player. That kind of thing. Or  
7 an e-book that could be purchased and downloaded  
8 from one provider and used in another reader  
9 application.

10 Q. And what about content that could be  
11 downloaded in-app and used on a website?

12 MR. KRAVIS: Object to form.

13 THE WITNESS: I don't know if that was  
14 contemplated at the time that the policy was  
15 written. My understanding is this was  
16 cross-app or content ownership-based  
17 exception.

18 BY MR. REITER:

19 Q. Well, websites existed at the time that  
20 this policy was crafted; right?

21 A. Yeah, so, sorry, let me -- "downloaded"  
22 was -- was the word that I was anchoring on there,  
23 not the -- what platform.

24 Q. Ad I appreciate that you used the word  
25 "downloaded."

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1 But when you actually look at the  
2 payments policy language, which is PX 1436, it  
3 doesn't include the word "downloaded" with respect  
4 to digital content, does it?

5 A. It does not.

6 Q. So is that -- the exception would apply  
7 to digital content that may be consumed outside  
8 the app itself; right?

9 A. That's what the words say, yes.

10 Q. And would you agree with me that a  
11 website is a platform through which digital  
12 content may be consumed?

13 MR. KRAVIS: Object to form.

14 THE WITNESS: Yes.

15 BY MR. REITER:

16 Q. And so would you agree with me that the  
17 exception in Google's payment policy at this time  
18 would apply to digital content that could be  
19 consumed on a website?

20 A. Sorry, as we're digging in on this and  
21 discussing it, my interpretation is that when this  
22 was written, it was meant -- outside the app  
23 itself was meant to mean outside of the service  
24 that it was purchased on.

25 So yes, use on a website would be

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1 considered outside the app itself. I'm not sure  
2 that that fully encompasses the intent of this  
3 clause.

4 Q. But you would agree with me that the  
5 clause as written, would be -- should -- you would  
6 agree with me that the clause as written could be  
7 interpreted to mean that use of Google Play  
8 Billing is not required for digital content that  
9 may be consumed on a website; right?

10 MR. KRAVIS: Object to form.

11 THE WITNESS: Can you -- can you repeat  
12 the question?

13 BY MR. REITER:

14 Q. Yeah, so just setting aside what you  
15 understand to be the intent of the payments policy  
16 language, would you agree with me that as written,  
17 it means that Google Play Billing is not required  
18 for the purchase of digital content that could be  
19 consumed on a website?

20 MR. KRAVIS: Object to form.

21 THE WITNESS: [REDACTED]

[REDACTED]

[REDACTED]

24 BY MR. REITER:

25 Q. Is that how you interpreted it?

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1 MR. KRAVIS: Object to form.

2 THE WITNESS: No.

3 BY MR. REITER:

4 Q. Why not?

5 A. In my role at Google Play, I -- I talked  
6 to -- to team members and people who are familiar  
7 with this, and I was -- I was told what the intent  
8 of this was, and so I understood the intent to be  
9 outside the app itself.

10 I anchored a little bit on downloaded but  
11 I know what you're saying. So I didn't interpret  
12 it that way. [REDACTED]

[REDACTED]  
14 Q. How many developers interpreted the  
15 language in the payments policy to not require use  
16 of Google Play Billing for digital content that  
17 could be consumed on a website?

18 MR. KRAVIS: Object to form.

19 THE WITNESS: I don't -- I don't know an  
20 exact number.

21 BY MR. REITER:

22 Q. Could you give me an estimate?

23 A. Again, there are millions of apps on --  
24 on Play. I don't know how -- how many of them  
25 have interpreted this one way or the other.

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1 portfolio.

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MR. REITER: Object to form.

8 THE WITNESS: Yes.

9 BY MR. KRAVIS:

10 Q. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 MR. REITER: Object --

15 MR. DIESSEL: Objection to form.

16 THE WITNESS: Yes.

17 BY MR. KRAVIS:

18 Q. And was that -- was that the view that  
19 Google consistently represented to Match during  
20 the time that you were part of the team  
21 responsible for Match partner management?

22 MR. REITER: Object to form.

23 MR. DIESSEL: Object form.

24 THE WITNESS: Yes.

25 ///



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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF LOS ANGELES )

4 I, RENEE HARRIS, do hereby certify that I  
5 am a licensed Certified Shorthand Reporter, duly  
6 qualified and certified as such by the State of  
7 California;

8 That prior to being examined, the witness named  
9 in the foregoing deposition was by me duly sworn  
10 to testify to tell the truth, the whole truth, and  
11 nothing but the truth;

12 That the said deposition was by me recorded  
13 stenographically;

14 And the foregoing pages constitute a full,  
15 true, complete and correct record of the testimony  
16 given by the said witness;

17 That I am a disinterested person, not  
18 being in any way interested in the outcome of said  
19 action, or connected with, nor related to any of  
20 the parties in said action, or to their respective  
21 counsel, in any manner whatsoever.

22 DATED: August 18, 2022

23



24

Renee Harris, CSR, CCR, RPR

25

CA CSR No. 14168,

NJ CRR No. 30XI00241200

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VIA ELECTRONIC MAIL

Re: *In re Google Play Store Antitrust Litigation*, No. 3:21-md-02981-JD (N.D. Cal.)  
*Epic Games, Inc. v. Google LLC et al.*, No. 3:20-cv-05671-JD (N.D. Cal.)  
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*Match Group, LLC et al. v. Google LLC*, No. 3:22-cv-02746-JD (N.D. Cal.)

Counsel,

Enclosed please find the signed errata sheet for the transcript of Kirsten Rasanen's deposition, which took place on August 17, 2022.

Sincerely,



Jonathan I. Kravis

MUNGER, TOLLES & OLSON LLP

October 7, 2022

Page 2

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## Errata Sheet - Deposition of Kirsten Rasanen

**Case:** *In re Google Play Store Antitrust Litigation*, Case No. 3:21-md-02981-JD  
*In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761-JD  
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**Date of Deposition:** August 17, 2022

Page #	Line #	Currently Reads	Correction	Reason for Correction
20	16	Karen Kelleher	Caren Kelleher	Transcription error
20	19	Karen	Caren	Transcription error
24	1	Wayne Thornton	Wayne Thorsen	Transcription error
27	13	Barely.	Rarely.	Transcription error
27	13	At ad hoc, I would say.	Kind of ad hoc, I would say.	Transcription error
30	20	customer	custom	Transcription error
129	9	Badhu	Badoo	Transcription error
131	23	Sue Igo	Sue Igoe	Transcription error
199	8	like PAL	like Paul	Transcription error
229	7	place or	Play	Transcription error
231	10	by directionally.	bidirectionally.	Transcription error
283	11	business back	business – back	Transcription error
317	24	Tianlim was a project	Tian Lim was a product	Transcription error
325	5	botching	boxing	Transcription error
329	10	Tianlim	Tian Lim	Transcription error
334	5	lots	loss	Transcription error
358	16	ne	be	Transcription error
363	9	Kristen	Kirsten	Transcription error

I, the undersigned, declare under penalty of perjury, that I have read the above-referenced deposition transcript and have made corrections, additions, or deletions that I desired to make; and that the transcript contains my true and correct testimony.

EXECUTED this 5th day of October, 2022 at San Francisco, California.

DocuSigned by:  
  
81DBF69647854D7...  
Kirsten Rasanen